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July 10, 2019

Hon. David N. Hurd, U.S. District Judge  
Alexander Pirnie Federal Bldg. and U.S. Courthouse  
10 Broad Street  
Utica, NY 13501

Re: Lafever v. Clarke, et al.  
Civil No. 3:17-cv-1206 (DNH/DEP)

Dear Judge Hurd:

This is a letter request pursuant to Local Rule 7.1.(j) for an Adjournment of the two Summary Judgment Motions now pending, filed separately by City Defendants and County Defendants in this action under 42 U.S.C. § 1983. Currently, the Return dated on both motions is August 9, and the date for Plaintiff to file her response is July 23.

Plaintiff is asking that the motions be adjourned until September 13, 2019, a date which is 35 days after the current date for Return. Ms April Laws, for the City Defendants, and Mr. Ronnie White, for the County Defendants, do not oppose this adjournment. The 31 day adjournment period in the Rules would only allow an actual adjournment of two weeks, due to the dates of the Court's Motion Days. Plaintiff asks that the Court grant the adjournment until September 13, a period of 35 days (including the Labor Day holiday).

This additional time is necessary to give Plaintiff the time to fully reply to two Summary Judgment Motions, both of which are extensive. Plaintiff asks that the Court consider the following circumstances in its determination:

Plaintiff's counsel is a sole practitioner, and these responses require substantial attention. Plaintiff's counsel is scheduled to be out of the office for ten days from July 14-24. Part of that

time will be an attorney's conference out of the country. Plaintiff lives in California and there are often delays in communication between client and attorney.

Further, if the Court determines that the attorneys should appear personally on the return date, Plaintiff's counsel will be required to travel substantially for that purpose. The shorter adjournment time that falls within the rules would tax counsel's ability to travel and be present. The September date can be worked into the schedule, if such an appearance is requested.

This case has been a big project for a small office, and Plaintiff's counsel asks for this minimal additional time to lessen the impact on the office.

If the adjournment is granted as requested, Plaintiff's Responsive papers would be due on August 27, and Defendants' Replies would be due on September 3, 2019.

Thank you (and counsel) for your consideration.

Sincerely yours,

/s/ W. Andrew McCullough  
W. Andrew McCullough

WAM: ct

cc: Frank W. Miller, Esq.  
April Laws, Esq.  
Client